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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,159

12/08/2003

Richard J. Schneider

4164-199

5096

73824 7590 07/29/2008
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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

07/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

Office Action Summary	Application No. 10/731,159	Applicant(s) SCHNEIDER ET AL.	
	Examiner FRANK M. LEIVA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-32 and 49-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-32 and 49-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 May 2008 has been entered.

Acknowledgements

2. The examiner acknowledges claim 2 canceled; newly added claims 53-55; and amendments to claims 1, 49 and 50 in the applicant's submission filed 29 May 2008.

Claim Rejections - 35 USC § 112

3. **Claim 55** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added material which is not supported by the original disclosure is as follows; "converting the unenrolled player account into an enrolled player account.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 3-32 and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe et al (US 2004/0002386 A1) in view of Acres (US 6,371,852 B1).**

6. Regarding the analogous combination; **Wolfe** discloses a wireless casino player tracking system that tracks play on the floor of players that have not been registered into the system; and **Acres** discloses a method for adding incentive to enroll into a player tracking account system.

7. **Regarding claim 1;** Wolfe discloses a method of registering an unenrolled player in a player tracking system, comprising:

 permitting the unenrolled player to play a gaming device using an unenrolled player account, (¶ [0118]).

 detecting a triggering event, (¶ [0117]), Qualifying for “hot player” status.

 notifying the unenrolled player after the occurrence of the triggering event; and allowing the unenrolled player to enroll in the player tracking system in response to the notification, (¶ [0118]);

 Wolfe fails to disclose enrollment incentives whereas Acres discloses the very well-known marketing tool of enrollment incentives by awarding the unenrolled player enrollment incentives for enrolling, (abstract, col. 1:49-51 and col. 7:24-26).

 It would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to combine the player tracking enrollment incentive of Acres into the unenrolled player tracking system of Wolfe to predictably entice the player into forwarding his/hers information and participate in the card system.

8. **Regarding claim 3;** Wolfe discloses wherein the detecting a triggering event comprises detecting, by the player tracking system, that a triggering event has been detected and prompting a casino employee present at the gaming device to contact the unenrolled player, (¶ [0118]).

9. **Regarding claim 4;** Wolfe discloses wherein a plurality of unenrolled players play a plurality of gaming devices, (¶ [0117]), wherein carded and uncarded players can play.
10. **Regarding claim 5;** Wolfe discloses wherein the plurality of gaming devices are networked together, (¶ [0117]), the information is accumulated by the tracking system.
11. **Regarding claim 6;** Wolfe discloses wherein the triggering event corresponds to an unenrolled player among the plurality of players having a highest level of player rating, (¶ [0117]).
12. **Regarding claim 7-8;** Wolfe discloses wherein the triggering event is a random occurrence, (¶ [0018]), randomly occurring Jackpots events or random promotions such as “Hot Seat”.
13. **Regarding claim 9;** Wolfe discloses wherein the triggering event is a predetermined occurrence, (¶ [0172]).
14. **Regarding claim 10;** Wolfe discloses wherein notifying the unenrolled player comprises soliciting the unenrolled player to enroll in the player tracking system, (¶ [0119]).
15. **Regarding claim 23;** Wolfe discloses wherein the unenrolled player is allowed to enroll with the assistance of casino personnel, (¶ [0119]).
16. **Regarding claim 24;** Wolfe discloses wherein casino personnel approach the unenrolled player after the occurrence of the triggering event.

17. **Regarding claims 53-54;** Wolfe discloses wherein if the unenrolled player chooses not to enroll in the player tracking system, said method further comprises: tracking continued play of the unenrolled player; notifying the unenrolled player after an occurrence of a subsequent triggering event, (§ [0119 and 0171]), wherein if the player has the choice to apply for the players card but if refuses, simply returns to be an uncarded player whose play is tracked on the floor and if he/she becomes a hot player again (trigger event), a hostess will be assigned to communicate or interact with the player. Wolfe fails to disclose sign up incentives, but Acres discloses the well-known methods of sign up award incentives and multiple comps available to entice the players and offering alternative enrollment incentives for enrolling based on the continued play; and further comprising adjusting a frequency of notifications to the unenrolled player during play, (col. 1:49-51 and col. 7:24-26).

18. **Regarding claim 55;** Wolfe and Acres disclose all the limitations recited in claim 1 from which claim 55 depends on, although Wolfe and Acres are silent about the converting unenrolled play into enrolled play, it is well-known to casino operators to track players at table games and approach them for rating (tracking), Pitt bosses will commonly track a player and rate them without the players knowledge and when the Pitt boss decides, he approaches the player and offers to initiate them in the system or if the player is already enrolled, will add the already played rating into the players account. It is obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate all the known techniques of casino gaming to the casino player tracking systems of Wolfe and Acres.

19. **Claims 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benoy et al. (US 6,896,618 B2), in view of Acres (US 6,371,852 B1).**

20. **Regarding claim 49;** Benoy discloses: A player tracking system for uncarded players, comprising: a host computer; a network interconnecting gaming devices to the host computer; means for tracking uncarded play by uncarded players having uncarded

player accounts; a memory for storing the tracked uncarded play; means for detecting the occurrence of a triggering event; and means for notifying the uncarded players after the occurrence of the triggering event, (col. 2:25-36); and means for awarding enrollment incentives for enrolling in the player tracking system,

21. **Regarding claims 50-52;** Benoy discloses means for enrolling the uncarded players in a player tracking system; means for awarding a bonus; the notifying means is a soliciting means, (col. 2:25-36).

22. **Claims 11- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe and Acres as applied to claim 1 above and in further view of Walker et al. (US 2004/0127284 A1), hereinafter "Walker '284".**

23. **Regarding claims 11-16;** Walker '284 discloses: wherein notifying the unenrolled player comprises visually notifying the unenrolled player; wherein notifying the unenrolled player comprises notifying the unenrolled player through a display associated with the gaming device; wherein notifying the unenrolled player comprises notifying the unenrolled player through an overhead sign; wherein the aural notification is emitted from the gaming device; wherein the aural notification is emitted from a speaker remote to the gaming device, (fig. 8:802, ¶[0662-0689]), wherein fig. 8 shows a reminder message to the player to register for the player tracking system and the rest shows all forms used by walker to effectively communicate to the players according to the urgency of the message.

24. **Regarding claims 11-16;** It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of player messaging of Walker '284 in Wolfe's invention to further help the player's in the busy casino floor. It is obvious that Wolfe's system works better if the player is enrolled in the player tracking system and adding well-known messages to players that are not enrolled is a predictable use of the equipment already at hand.

25. Claims 17-22 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe and Acres as applied to claim 1 above and in further view of Benoy.

26. Regarding claim 17-22; Benoy discloses: wherein the unenrolled player is allowed to self enroll; wherein the unenrolled player is allowed to enroll through a terminal on the casino floor; wherein the terminal is unattended; wherein the unenrolled player is allowed to enroll at the gaming device; wherein the unenrolled player is allowed to enroll through a keypad associated with the gaming device; wherein the unenrolled player is allowed to enroll through a display associated with the gaming device, (col. 6:16-32).

27. Regarding claim 25; Benoy discloses applying a credit to the newly enrolled player's account following enrollment, (col. 6:63-64, 7:30-31).

28. Regarding claims 26-32; Benoy discloses wherein the unenrolled player is permitted to play the gaming device using a temporary account; wherein credit is applied to the temporary account; wherein the unenrolled player is permitted access to the credit following enrollment; wherein the credit is payable immediately; wherein the credit is payable on a future visit; wherein the credit is payable incrementally; wherein the temporary account is associated with a player identifier, (col. 18:29-59).

29. Regarding claims 17-22 and 25-32; It would have been obvious to one of ordinary skill in the art at the time of the invention to add to the wireless invention of Wolfe that allows to register a player while sitting on the machine the facility of Benoy to incorporate point of play registration so that the player doesn't have to wait for a host to assist in the registration.

30. **Examiner's Note:** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Response to Arguments

31. Applicant's arguments with respect to claims 1, 3-32 and 49-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714

FML 07/18/2008